

Legislative Bulletin.....August 2, 2007

Contents:

H.R. 3159— To mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 3159— To mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom (*Tauscher, D-CA*)

Order of Business: The bill is reportedly scheduled to be considered on Thursday, August 2nd, subject to a likely closed rule.

Summary: H.R. 3159 would prohibit a unit of the Armed Forces from being deployed for Operation Iraqi Freedom, unless the period between the deployment of the unit is equal to or longer than the period of such previous deployment. This prohibition would apply to units and members of the regular Army, Air Force, Navy, Marines, and Coast Guard.

The bill would also express a sense of Congress that the ideal rest period between deployments for regular components in Iraq is twice that of the original deployment.

H.R. 3159 would also prohibit a unit of the reserves from being deployed for Operation Iraqi Freedom, unless the period between the deployment of the unit is equal to or longer than three times the period of such previous deployment. This prohibition would apply to units and members of the Army Reserve, Army National Guard, Marine Corps Reserve, Navy Reserve, Air Force Reserve, Air National Guard, and Coast Guard Reserve.

The bill would also express a sense of Congress that units and members of the reserves should not be mobilized continuously for more than one year and that the optimal rest period between reserve deployments in Iraq is five years.

The President could waive the above restrictions by certifying to Congress that the deployment of the unit or member is necessary to meet “an operational emergency posing a threat to vital national security interests of the United States.”

The provides for waivers of the above restrictions by each military chief of staff or commandant in instances of voluntary requests for mobilization.

Additional Background: The Armed Services Committee points out that, because 55,800 Marines (32% of the active duty strength of the Marine Corps) already have had at least one deployment, they would not be available for assignment to units deploying to Iraq. In the case of an Army brigade combat team that has had less than a one-to-one deployment-to-rest ratio, but nearly all its 3,500 assigned personnel meet or exceed the rest standard mandated by this legislation, the brigade could not deploy because of the mandated rest time limit established for units.

Committee Action: On July 24, 2007 the bill was referred to the Armed Services Committee, which, on July 27th, marked up and ordered the bill reported to the full House by a vote of 32-25, with two other Members answering “present.”

Possible Conservative Concerns: Some conservatives may be concerned that this bill would infringe on the constitutional prerogatives of the president as commander-in-chief. Decisions on military personnel regarding operational deployment cycles are by their very nature the job of the commander-in-chief (otherwise, why call him the commander-in-chief?). Some conservatives may believe that such congressional micromanagement of deployment cycles would hamper the Department of Defense and bar the deployment of units that may be necessary to further stabilize Iraq.

Additionally, some conservatives may be concerned at the application of the mandated rest periods to UNITS, rather than just to individual members. This could prevent the deployment of an entire unit if just a few of its newer members have not had the mandated rest time.

Furthermore, some conservatives may regard this legislation as an attempt to withdraw troops from Iraq, rather than actually implement a thoughtful rest-between-deployments policy, since the bill applies only to deployments Iraq and not to deployments anywhere else in the world, including Afghanistan.

Administration Position: Although a Statement of Administration Policy (SAP) was not available at press time, the Administration has previously signaled opposition to congressional management of the decisions of the commander-in-chief.

Cost to Taxpayers: The bill would not directly yield any additional costs to the government, but indirectly could yield higher costs for rotating and retraining troops (assuming the same troop strengths needed in Iraq). If the bill leads to lower troops levels, as CBO asserts, then the bill could yield billions in savings.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Armed Services Committee, in [House Report 110-282](#), asserts that the bill contains, “no congressional earmarks, limited tax benefits, or limited tariff benefits.”

Constitutional Authority: The Armed Services Committee, in [House Report 110-282](#), cites constitutional authority in Article I, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

Note: Article VI, Clause 3 of the U.S. Constitution states that, “The Senators and Representatives...and all executive and judicial Officers...shall be bound by Oath or Affirmation, to support this Constitution.”

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